

AMENDED IN SENATE MAY 24, 2012

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2069**

**Introduced by Assembly Member Solorio**  
(Principal coauthor: Senator Correa)

February 23, 2012

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An act to amend Sections ~~5473.8, 5473.11, and 5474.6~~ of the Health and Safety Code, and to amend Section ~~37212~~ of the Water Code ~~4709 and 4856~~ of the Labor Code, relating to ~~property-related service charges~~ workers' compensation.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2069, as amended, Solorio. ~~Sanitation, sewerage, and water charges: collection.~~ Workers' compensation: peace officer benefits.

Existing law provides for the payment of a scholarship to dependents of specified peace officers if the peace officer is killed in the performance of his or her duty or if the officer suffers death or permanent disability as a result of specified accidents or injuries incurred in the performance of his or her duties. Existing law also requires the employer of a peace officer who is killed in the performance of his or her duty, or who suffers death as a result of specified accidents or injuries, to continue providing health benefits to the deceased employee's spouse unless the spouse elects to receive a lump-sum survivor's benefit in lieu of monthly benefits.

This bill would extend these peace officer benefits to Sheriff's Special Officers of the County of Orange.

~~Existing law authorizes various local public entities to prescribe fees or other charges for services and facilities furnished by them in connection with their water, sanitation, storm drainage, or sewerage system, as well as for the privilege of connecting to these sanitation or sewerage facilities. These charges, under specified circumstances, may be collected on the tax roll in the same manner as property taxes and the amount of the charges constitutes a lien against the lot or parcel against which the charge has been imposed, unless the real property has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attached prior to the date upon which the first installment of the property taxes would become delinquent.~~

~~This bill would instead require the transfer, conveyance, or attachment to occur during the year prior to the date on which the first installment of property taxes that evidence the charges appears on the tax roll, in order to preclude the local public entity's lien from attaching to the real property of the bona fide purchaser or encumbrancer for value.~~

~~Existing law requires the charges for the above-described services and facilities to remain delinquent for 60 days and the imposing entity to provide the assessee with notice of the delinquency, in order for the charges to constitute a lien against the lot or parcel of land for which the service was provided.~~

~~This bill would delete the 60 day delinquency and notice requirements and, instead, authorize the amount of unpaid charges to be secured at any time by filing a specified certificate in the office of the county recorder. This bill would provide that the amount required to be paid, with interest and a penalty, constitutes a lien on all real property owned by the person or afterwards acquired by him or her before the lien expires.~~

~~Existing law provides procedures for the collection of unpaid charges by a water district for water or other services. These unpaid charges become a lien on the parcel of land upon which the water and other services were used, unless the real property has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attached prior to the date of which the first installment of taxes would become delinquent.~~

~~This bill would require the transfer, conveyance, or attachment to occur during the year prior to the date on which the first installment of real property taxes that evidence the charges appears on the tax roll, in~~

order for the water district's lien to not attach to the real property of the bona fide purchaser or encumbrancer for value.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 4709 of the Labor Code is amended to*  
2     *read:*

3     4709. (a) Notwithstanding any other ~~provisions of~~ law, a  
4     dependent of a peace officer, as defined in Section 830.1, 830.2,  
5     830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37,  
6     830.38, 830.39, 830.4, 830.5, or 830.6 of the Penal Code, *or a*  
7     *Sheriff's Special Officer of the County of Orange*, who is killed in  
8     the performance of duty or who dies or is totally disabled as a  
9     result of an accident or an injury caused by external violence or  
10    physical force, incurred in the performance of duty, when the death,  
11    accident, or injury is compensable under this division or Division  
12    4.5 (commencing with Section 6100) shall be entitled to a  
13    scholarship at any qualifying institution described in subdivision  
14    (i) of Section 69432.7 of the Education Code. The scholarship  
15    shall be in an amount equal to the amount provided a student who  
16    has been awarded a Cal Grant scholarship as specified in Chapter  
17    1.7 (commencing with Section 69430) of Part 42 of Division 5 of  
18    Title 3 of the Education Code.

19    (b) A dependent of an officer or employee of the Department  
20    of Corrections *and Rehabilitation* or the ~~Department of the Youth~~  
21    ~~Authority~~ *Department of Corrections and Rehabilitation, Division*  
22    *of Juvenile Justice*, described in Section 20403 of the Government  
23    Code who is killed in the performance of duty, or who dies or is  
24    totally disabled as a result of an accident or an injury incurred in  
25    the performance of duty, when the death, accident, or injury is  
26    caused by the direct action of an inmate, and is compensable under  
27    this division or Division 4.5 (commencing with Section 6100),  
28    shall also be entitled to a scholarship specified in this section.

29    (c) Notwithstanding any other ~~provisions of~~ law, a dependent  
30    of a firefighter employed by a county, city, city and county, district,  
31    or other political subdivision of the state, who is killed in the  
32    performance of duty or who dies or is totally disabled as a result  
33    of an accident or injury incurred in the performance of duty, when

1 the death, accident, or injury is compensable under this division  
2 or Division 4.5 (commencing with Section 6100), shall also be  
3 entitled to a scholarship specified in this section.

4 (d) Nothing in this section shall be interpreted to allow the  
5 admittance of the dependent into a college or university unless the  
6 dependent is otherwise qualified to gain admittance to the college  
7 or university.

8 (e) The scholarship provided for by this section shall be paid  
9 out of funds annually appropriated in the Budget Act to the Student  
10 Aid Commission established by Article 2 (commencing with  
11 Section 69510) of Chapter 2 of Part 42 of Division 5 of Title 3 of  
12 the Education Code.

13 (f) The receipt of a scholarship provided for by this section shall  
14 not preclude a dependent from receiving a Cal Grant award  
15 pursuant to Chapter 1.7 (commencing with Section 69430) of Part  
16 42 of Division 5 of Title 3 of the Education Code, any other grant,  
17 or any fee waivers that may be provided by an institution of higher  
18 education. The receipt of a Cal Grant award pursuant to Chapter  
19 1.7 (commencing with Section 69430) of Part 42 of Division 5 of  
20 Title 3 of the Education Code, any other grant, or any fee waivers  
21 that may be provided by an institution of higher education shall  
22 not preclude a dependent from receiving a scholarship provided  
23 for by this section.

24 (g) As used in this section, “dependent” means the children  
25 (natural or adopted) or spouse, at the time of the death or injury,  
26 of the peace officer, law enforcement officer, or firefighter.

27 (h) Eligibility for a scholarship under this section shall be limited  
28 to a person who demonstrates financial need as determined by the  
29 Student Aid Commission pursuant to Article 1.5 (commencing  
30 with Section 69503) of Chapter 2 of Part 42 of Division 5 of Title  
31 3 of the Education Code. For purposes of determining financial  
32 need, the proceeds of death benefits received by the dependent,  
33 including, but not limited to, a continuation of income received  
34 from the Public Employees’ Retirement System, the proceeds from  
35 the federal Public Safety Officers’ Benefits Act, life insurance  
36 policies, proceeds from Sections 4702 and 4703.5, any private  
37 scholarship where receipt is predicated upon the recipient being  
38 the survivor of a deceased public safety officer, the scholarship  
39 awarded pursuant to Section 68120 of the Education Code, and  
40 any interest received from these benefits, shall not be considered.

SEC. 2. *Section 4856 of the Labor Code is amended to read:*

4856. (a) Whenever any local employee who is a firefighter, or peace officer as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, *or a Sheriff's Special Officer of the County of Orange*, is killed in the performance of his or her duty or dies as a result of an accident or injury caused by external violence or physical force incurred in the performance of his or her duty, the employer shall continue providing health benefits to the deceased employee's spouse under the same terms and conditions provided prior to the death, or prior to the accident or injury that caused the death, of the employee unless the surviving spouse elects to receive a lump-sum survivors benefit in lieu of monthly benefits. Minor dependents shall continue to receive benefits under the coverage provided the surviving spouse or, if there is no surviving spouse, until the age of 21 years. However, pursuant to Section 22822 of the Government Code, the surviving spouse may not add the new spouse or stepchildren as family members under the continued health benefits coverage of the surviving spouse.

(b) Subdivision (a) also applies to the employer of any local employee who is a firefighter, or peace officer as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who was killed in the performance of his or her duty or who died as a result of an accident or injury caused by external violence or physical force incurred in the performance of his or her duty prior to September 30, 1996.

~~SECTION 1. Section 5473.8 of the Health and Safety Code is amended to read:~~

~~5473.8. All laws applicable to the levy, collection, and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to the charges authorized pursuant to this article, except that, if any real property to which these charges relate has been transferred or conveyed to a bona fide purchaser for value or a lien of a bona fide encumbrancer for value has been created and attaches thereon during the year prior to the date on which the first installment of the general taxes that include the charges appears on the assessment roll, then the lien which would otherwise be imposed by Section 5473.5 shall not attach to the real property and the charges relating~~

1 to this property shall be transferred to the unsecured roll of  
2 collection.

3 SEC. 2. Section 5473.11 of the Health and Safety Code is  
4 amended to read:

5 5473.11. (a) An entity shall notify the assessee shown on the  
6 latest equalized assessment roll whenever delinquent and unpaid  
7 charges for services which would become a lien on the property  
8 pursuant to subdivision (b) remain delinquent and unpaid for 60  
9 days.

10 (b) The amount of the unpaid charges may, in the discretion of  
11 the entity, be secured at any time by filing for record in the office  
12 of the county recorder of any county, a certificate specifying the  
13 amount of the unpaid charges and the name and address of the  
14 person liable therefor. From the time of recordation of the  
15 certificate, the amount required to be paid together with interest  
16 and penalty constitutes a lien upon all real property in the county  
17 owned by the person or afterwards, and before the lien expires,  
18 acquired by him or her. The lien shall have the force, priority, and  
19 effect of a judgment lien and shall continue for 10 years from the  
20 date of the filing of the certificate unless sooner released or  
21 otherwise discharged. The lien may, within 10 years from the filing  
22 of the certificate or within 10 years from the date of the last  
23 extension of the lien in the manner herein provided, be extended  
24 by filing for record a new certificate in the office of the county  
25 recorder of any county and from the time of this filing the lien  
26 shall be extended to the real property in this county for 10 years  
27 unless sooner released or otherwise discharged.

28 SEC. 3. Section 5474.6 of the Health and Safety Code is  
29 amended to read:

30 5474.6. (a) The tax collector shall include the amounts of the  
31 installments of fees or charges and the interest on bills for taxes  
32 levied against the respective lots and parcels of land. Thereafter,  
33 all laws applicable to the levy, collection and enforcement of taxes  
34 of the entity, including penalties and interest thereon and  
35 cancellation or refund thereof, shall be applicable to those  
36 installments of fees or charges and interest, except that, if any real  
37 property to which the fees or charges relate has been transferred  
38 or conveyed to a bona fide purchaser for value or a lien of a bona  
39 fide encumbrancer for value has been created and attaches thereon  
40 during the year prior to the date on which the first installment of

1 the general taxes that include the fees or charges appears on the  
2 assessment roll, then the lien which would otherwise be imposed  
3 by Section 5474.5 shall not attach to the real property and the fees  
4 or charges and interest shall be transferred to the unsecured roll  
5 for collection.

6 (b) ~~The amount of the unpaid installments of fees or charges~~  
7 ~~and interest may, in the discretion of the entity, be secured at any~~  
8 ~~time by filing for record in the office of the county recorder of any~~  
9 ~~county, a certificate specifying the amount of the fees or charges~~  
10 ~~and interest and the name and address of the person liable therefor.~~  
11 ~~From the time of recordation of the certificate, the amount required~~  
12 ~~to be paid together with interest and penalty constitutes a lien upon~~  
13 ~~all real property in the county owned by the person or afterwards,~~  
14 ~~and before the lien expires, acquired by him or her. The lien shall~~  
15 ~~have the force, priority, and effect of a judgment lien and shall~~  
16 ~~continue for 10 years from the date of the filing of the certificate~~  
17 ~~unless sooner released or otherwise discharged. The lien may,~~  
18 ~~within 10 years from the filing of the certificate or within 10 years~~  
19 ~~from the date of the last extension of the lien in the manner herein~~  
20 ~~provided, be extended by filing for record a new certificate in the~~  
21 ~~office of the county recorder of any county and from the time of~~  
22 ~~this filing the lien shall be extended to the real property in this~~  
23 ~~county for 10 years unless sooner released or otherwise discharged.~~

24 SEC. 4. ~~Section 37212 of the Water Code is amended to read:~~

25 37212. ~~In case any charges for water or other services, or either,~~  
26 ~~remain unpaid:~~

27 (a) ~~If unpaid for 60 days or more on July 1st, the district board~~  
28 ~~may, by resolution, order the secretary to do each of the following:~~

29 (1) ~~Prepare a list of the parcels of land upon which water and~~  
30 ~~other services, or either, requested in writing by the owner of the~~  
31 ~~property, was used, and for which the charges remain unpaid.~~

32 (2) ~~Certify that the list is true and correct.~~

33 (3) ~~Submit the list of unpaid charges and parcels to the county~~  
34 ~~auditor no later than five days after the estimate of the district~~  
35 ~~board was furnished pursuant to Section 37206.~~

36 ~~Upon receipt by the county auditor of the list and a certified~~  
37 ~~copy of the resolution, the amount of the unpaid charges attributed~~  
38 ~~to each parcel mentioned in the list shall constitute a special~~  
39 ~~assessment against the parcel, and shall be a lien on that property~~  
40 ~~for that amount. The lien attaches upon recordation in the office~~

1 of the county recorder of the county in which the property is  
2 situated of a certified copy of the resolution of the district board  
3 accompanied by a certified copy of the list specifically describing  
4 the real property by a legal description or reference to an assessor's  
5 parcel number and specifying the amount applicable to each parcel.  
6 The assessment shall be collected at the same time and in the same  
7 manner as ordinary municipal ad valorem taxes are collected, and  
8 shall be subject to the same penalties, and the same procedure and  
9 sale in case of delinquency as provided for the taxes. All laws  
10 applicable to the levy, collection, and enforcement of municipal  
11 ad valorem taxes shall be applicable to the assessment, except that,  
12 if any real property to which the lien would attach has been  
13 transferred or conveyed to a bona fide purchaser for value or a lien  
14 of a bona fide encumbrancer for value has been created and  
15 attached thereon during the year prior to the date on which the first  
16 installment of the taxes that include the assessment appears on the  
17 assessment roll, then the lien which would otherwise be imposed  
18 by this section shall not attach to the real property and the  
19 delinquent and unpaid charges, as certified, relating to the property  
20 shall be transferred to the unsecured roll for collection.

21 The county shall deduct from the charges collected an amount  
22 sufficient to compensate the county for costs incurred in collecting  
23 the delinquent and unpaid charges. The amount of this  
24 compensation shall be fixed by agreement between the board of  
25 supervisors and the district's board of directors.

26 (b) The amount of the unpaid charges may, in the discretion of  
27 the district, be secured at any time by filing for record in the office  
28 of the county recorder of any county, a certificate specifying the  
29 amount of the charges and the name and address of the person  
30 liable therefor.

31 From the time of recordation of the certificate, the amount  
32 required to be paid together with interest and penalty constitutes  
33 a lien upon all real property in the county owned by the person or  
34 afterwards, and before the lien expires, acquired by him or her.  
35 The lien has the force, priority, and effect of a judgment lien and  
36 shall continue for 10 years from the date of the filing of the  
37 certificate unless sooner released or otherwise discharged. The  
38 lien may, within 10 years from the filing of the certificate or within  
39 10 years from the date of the last extension of the lien in the manner  
40 herein provided, be extended by filing for record a new certificate



1 ~~in the office of the county recorder of any county and from the~~  
2 ~~time of the filing the lien shall be extended to the real property in~~  
3 ~~this county for 10 years unless sooner released or otherwise~~  
4 ~~discharged.~~

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